

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

WELLS FARGO BANK, N.A.,

Plaintiff,

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Case No. 3:07-cv-205

-vs-

District Judge Walter Herbert Rice

Chief Magistrate Judge Michael R. Merz

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RAYMOND E. LEE, JR., et al.,

Defendant.

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**SUPPLEMENTAL REPORT AND RECOMMENDATIONS**

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This private foreclosure action is before the Court on Plaintiff's Objections (Doc. No. 20) to the Magistrate Judge's Report and Recommendation ("Report," Doc. No. 17) recommending that Plaintiff's Motion for Default Judgment against Defendant Raymond E. Lee, Jr. (Doc. No. 13) be denied for failure to comply with General Order 07-03. The General Order of Reference for the Dayton location of court permits a magistrate judge to reconsider decisions or reports and recommendations when objections are filed.

Subsequent to the Report, Plaintiff filed a payment history (Doc. No. 18) and proof of assignment of the note and mortgage (Doc. No. 19). As thus supplemented, the Motion for Default Judgment now complies with General Order No. 07-03 and establishes that Plaintiff is entitled to judgment against Defendant Raymond E. Lee, Jr., in the principal amount of \$112,866.32 plus interest thereon at the rate of 5.5% per annum from August 1, 2006, to the date judgment is entered plus costs herein. The Court should also enter a decree of foreclosure. The Magistrate Judge is

unable to recommend a form of decree because Plaintiff has not provided a proposed order in the manner required by the Court's electronic filing manual.

October 1, 2007.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6<sup>th</sup> Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).